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Security Council

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France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Expressing its deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea pose to international navigation, security and the economic development of states in the region,

Recalling its statement of 30 August 2011 on piracy and armed robbery at sea in the Gulf of Guinea,

Expressing its concern over the threat that piracy and armed robbery at sea pose to the safety of seafarers and other persons, including through their being taken as hostages, and deeply concerned by the violence employed by pirates and persons involved in piracy and armed robbery at sea in the Gulf of Guinea,

Affirming its respect for the sovereignty and territorial integrity of the States of the Gulf of Guinea and their neighbours,

Further affirming that the provisions of this resolution apply only with respect to the situation in the Gulf of Guinea,

Affirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100, 101 and 105, sets out the legal framework applicable to countering piracy and armed robbery at sea, as well as other ocean activities,

Noting that applicable international legal instruments provide for parties to create criminal offences, establish jurisdiction, and prosecute or extradite for prosecution, persons responsible for or suspected of seizing or exercising control over a ship or fixed platform by force or threat thereof or any other form of intimidation,

Emphasizing the importance of finding a comprehensive solution to the problem of piracy and armed robbery at sea in the Gulf of Guinea,

Noting the efforts of the States of the Gulf of Guinea to address this problem, including joint patrols at sea and the activities of the Federal Republic of Nigeria and Benin Republic off the coast of Benin,

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Also noting the need for international assistance as part of a comprehensive strategy to support national and regional efforts to assist States in the region with their efforts to address piracy and armed robbery at sea in the Gulf of Guinea,

Welcoming the contributions made by some Member States and international organizations in support of the maritime sector, including security, capacity-building and the joint operations of the States of the Gulf of Guinea,

Stressing that the coordination of efforts at the regional level is necessary for the development of a comprehensive strategy to counter the threat of piracy and armed robbery at sea in the Gulf of Guinea,

Noting that States in the region have a leadership role to play in this regard, supported by organizations in the region,

1. *Condemns* all acts of piracy and armed robbery at sea committed off the coast of the States of the Gulf of Guinea;

2. *Welcomes* the intention to convene a summit of Gulf of Guinea Heads of State in order to consider a comprehensive response in the region and *encourages* the States of the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) to develop a comprehensive strategy, including through:

(a) the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea;

(b) the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region;

(c) the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law;

3. *Encourages* States of ECOWAS, ECCAS and the GGC, through concerted action, to counter piracy and armed robbery at sea in the Gulf of Guinea through the conduct of bilateral or regional maritime patrols consistent with relevant international law; and *requests* the States concerned to take appropriate steps to ensure that the activities they undertake pursuant to this resolution, do not have a practical effect of denying or impairing freedom of navigation on the high seas or the right of innocent passage in the territorial sea to vessels of third States;

4. *Calls upon* States, in cooperation with the shipping industry, the insurance industry and the International Maritime Organization (IMO) to issue to ships entitled to fly their flag, appropriate advice and guidance within context of the Gulf of Guinea, on avoidance, evasion and defensive techniques and measures to take, if under the threat of attack, or attack when sailing in the waters of the Gulf of Guinea;

5. *Further calls upon* States of ECOWAS, ECCAS and GGC, in conjunction with flag States and States of nationality of victims or of perpetrators of acts of piracy or armed robbery at sea, to cooperate in the prosecution of alleged perpetrators, including facilitators and financiers of acts of piracy and armed robbery at sea committed off the coast of the Gulf of Guinea, in accordance with applicable international law, including human rights law;

6. *Encourages* the international community to assist, upon request, the States concerned in the region, ECOWAS, ECCAS, GGC and other relevant organizations and agencies in strengthening their efforts to counter piracy and armed robbery at sea, in the Gulf of Guinea;

7. *Welcomes* the intention of the Secretary-General of the United Nations to deploy a United Nations assessment mission to examine the threat of piracy and armed robbery at sea, in the Gulf of Guinea and explore options on how best to address the problem, and *looks forward* to receiving the mission's report with recommendations on the matter;

8. *Decides* to remain seized of the matter.